

UNITED STATES DISTRICT COURT

for the
District of Arizona

MA
7/4/17
United States of America)

v.)

Mario Cabada Mendoza,
a.k.a.: Mario Cabada-Mendoza,
a.k.a.: Romulado Cabana-Rivas,
a.k.a.: Mario Mendoza,
(A077 137 642)

Case No. 17-271 MS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of July 4, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

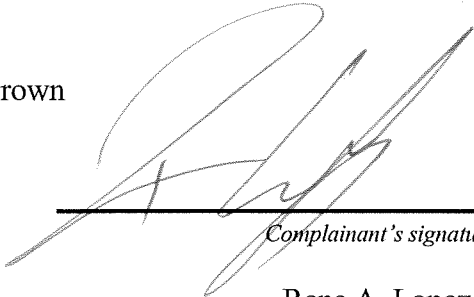
Mario Cabada Mendoza, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Brownsville, Texas, on or about September 11, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Amy Brown


☒ Continued on the attached sheet.


Complainant's signature

Rene A. Lopez,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: July 5, 2017


Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Rene A. Lopez, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On July 4, 2017, while following a lead, the Phoenix ICE Mobile Criminal Alien Arrest Team (MCAAT) arrested Mario Cabada Mendoza at North 52nd Drive, in Phoenix, Arizona. At the scene, MCAAT officers interviewed Mendoza and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Mendoza was transported to the Phoenix ICE office for further investigation and processing. Mendoza was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Mario Cabada Mendoza to be a citizen of Mexico and a previously deported criminal alien. Mendoza was removed from the United States to Mexico through Brownsville, Texas, on or about September 11, 2012, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Mendoza in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department

of Homeland Security to return to the United States after his removal. Mendoza's immigration history was matched to him by electronic fingerprint comparison.

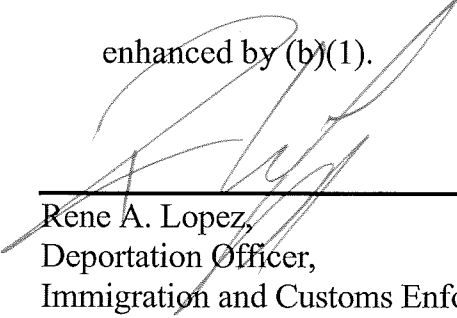
4. Criminal history checks revealed that Mario Cabada Mendoza was convicted of Criminal Impersonation, a felony offense, on May 20, 2009, in the Superior Court of Arizona, Maricopa County. Mendoza was sentenced to ten (10) months' incarceration. Mendoza's criminal history was matched to him by electronic fingerprint comparison.
5. On July 4, 2017, Mario Cabada Mendoza was advised of his constitutional rights. Mendoza freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about July 4, 2017, Mario Cabada Mendoza, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near

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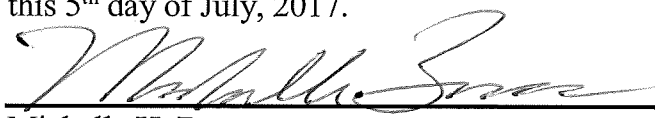
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Brownsville, Texas, on or about September 11, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Rene A. Lopez,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 5th day of July, 2017.



Michelle H. Burns,
United States Magistrate Judge